

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

<b>CARPENTERS DISTRICT COUNCIL OF KANSAS CITY PENSION FUND, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	<b>No. 12-1296-CV-S-BCW</b>
<b>v.</b>	)	
	)	
<b>DONCO CONSTRUCTION SERVICES, LLC,</b>	)	
	)	
<b>and</b>	)	
	)	
<b>DONCO 3 CONSTRUCTION, LLC,</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANT DONCO CONSTRUCTION SERVICES, LLC'S SUGGESTIONS IN  
OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT FOR  
ALTER EGO**

COMES NOW Defendant Donco Construction Services, by and through its counsel of record, and in accordance with Federal Rule of Civil Procedure 56 and Local Rule 56.1 submits its Suggestions in Opposition to Plaintiffs' Motion for Summary Judgment for Alter Ego.

Plaintiffs have filed its Motion for Summary Judgment for Alter Ego against both Defendant Donco Construction Services, LLC and Defendant Donco 3 Construction, LLC for joint and several liability. However, Plaintiffs have no cause of action against Defendant Donco Construction Services, LLC for an alter ego theory of recovery.

Further, Plaintiffs have failed to comply with Federal Rule of Civil Procedure 56 by filing a Motion for Summary Judgment on a theory of liability as opposed to specific counts from its Amended Complaint. Because Plaintiffs have failed to comply with Rule 56, its Motion for Summary Judgment for Alter Ego must be denied as a matter of law.

In the event this Court does not deny Plaintiffs' Motion for Summary Judgment for Alter Ego for its failure to comply with the Federal Rules of Civil Procedure, Defendant Donco Construction Services, LLC joins Defendant Donco 3 Construction, LLC in its Suggestions in Opposition to Plaintiffs' Motion for Summary Judgment for Alter Ego as follows:

1. Defendant Donco Construction Services, LLC joins, concurs, adopts as its own, and incorporates herein by reference Defendant Donco 3's "Response to Plaintiffs' Statement of Undisputed Facts." *See* Doc. 85.

2. Defendant Donco Construction Services, LLC joins, concurs, adopts as its own, and incorporates herein by reference Defendant Donco 3's "Material Facts Left Out by Plaintiffs' Statement of Undisputed Facts." *See* Doc 85.

3. Defendant Donco Construction Services, LLC joins, concurs, and adopts as its own, and incorporates herein by reference Defendant Donco 3's "Response to Plaintiffs' Legal Arguments." *See* Doc 85.

WHEREFORE Defendant Donco Construction Services, LLC respectfully requests that Plaintiffs' Motion for Summary Judgment for Alter Ego be denied, and for any other relief the Court deems just and proper.

**ELLIS, ELLIS, HAMMONS & JOHNSON, P.C.**

By: /s/ Nicole L. Hutson

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Attorneys for Defendant  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing was served electronically to those parties who have entered an appearance in the court's Electronic Court Filing (ECF) System, upon the attorneys of record for each party to this action on this 27<sup>th</sup> day of August, 2015, to-wit:

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